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State of California
DEPARTMENT OF JUSTICE



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July 13, 2010

Lynn Grant, Senior Staff Counsel
California Department of Corrections and Rehabilitation
P.O. Box 942883
1515 S Street, Room 319 South
Sacramento, CA 94283-0001

RE: Inmate Daniel Larsen
CDCR No. D-46981
Los Angeles County Superior Court case number PA032308
NOTIFICATION OF RELEASE BY FEDERAL COURT

Dear Ms. Grant:

I previously advised you that after carefully reviewing the District Court's judgment and the underlying report and recommendation, we had decided not to appeal the decision. In the recent matter of *Lee v. Lampert*, 2010 WL 2652505 (9th Cir. Jul. 6, 2010, No. 09-35276), the United States Court of Appeals for the Ninth Circuit held that a petitioner's claim of actual innocence was not an exception to the Antiterrorism and Effective Death Penalty Act (AEDPA) one-year statute of limitations, which abrogated the United States District Court's ruling in *Larsen v. Adams*, 642 F.Supp.2d 1124 (C.D. Cal. 2010). As you may recall, United States Magistrate Judge Suzanne H. Segal held that Mr. Larsen presented sufficient evidence of actual innocence to warrant consideration of the merits of his untimely claim that his conviction was unconstitutional due to ineffective assistance of counsel. As such, we will be appealing the United States District Court's judgment and will also be seeking a stay of the judgment pending appeal. I will keep you apprised of the court's ruling.

Lynn Grant
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We have notified the Los Angeles County District Attorney's office of this decision. If you have any questions about the foregoing, please do not hesitate to contact us.

Sincerely,



ERIC J. KOHM
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Encs.

cc: Linda Young, Litigation Coordinator
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